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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kenneth J. Carstensen

'055 Div2

4200

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EXAMINER

WONG, ALBERT KANG

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/583,695

Applicant(s)

TASKER, MICHAEL E.

Examiner

Shick C. Hom

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/3/06 have been fully considered but they are not persuasive. In pages 7-8 of the remarks, applicant argued that Chang et al. do not teach or suggest "transmitting an off-hook indicator to the PBX that the PBX-connected telephone is temporarily incapable of receiving calls" and "transmitting a signal to remove the off-hook indicator upon detection of termination" is not persuasive because Chang et al. in col. 5 line 66 to col. 6 line 12 recite when the telephone is off-hook that information is reported to the interface that controls the switch clearly anticipate transmitting an off-hook indicator that the connected telephone is temporarily incapable of receiving calls and transmitting a signal to remove the off-hook indicator and Holmquist et al. in Fig. 1 shows the telephone connected to the PBX switch clearly anticipate the PBX and the PBX-connected telephone as claimed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-7 and 10-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (6,700,956) in view of Holmquist et al. (5,602,846).

Chang et al. disclose the method for maintaining a virtual presence of a first remote telephone user in an exchange system having a network connection between two endpoint routers while permitting the first remote user to make local calls, the method comprising: generating an off-hook indicator and transmitting the indicator to the exchange system; routing a telephone call placed at a remote telephone in accordance with a defined protocol other than via the exchange system while the off-hook indicator is active and the user is still connected to the exchange system; detecting when the routed telephone call is terminated; and removing the off-hook indicator from the exchange system upon detection of termination as in claims 1, 10, 14, 18; wherein said telephone call-routing is to a PSTN local to the remote telephone as in claims 4, 6, 20; wherein transmitting and removing are performed by in-band signaling as

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in claim 2 (see col. 8 lines 16-65 which recite the modem that toggle an analog telephone coupled to a PC between an Internet-base telephone call and a PSTN network-base call without terminating or dropping either call; whereby the user lifts the handset and decides whether to place a call using either PSTN or Internet-based telephony service, generating the off-hook and DTMF digits, and hanging up the call upon completion of the call clearly anticipate means and method for selectively routing a telephone call other than via the exchange system while the user is still connected to the exchange system).

Chang et al. disclose all the subject matter of the claimed invention with the exception of wherein the exchange system being a PBX system and network being a frame relay network as in claims 1, 5, 10-13, 14-17, 18, 21; wherein said in-band signaling is in accordance with a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer 2 voice over packet protocol as in claims 3, 7, 19.

Holmquist et al. from the same or similar fields of endeavor teach that it is known to provide wherein the exchange system being a PBX system and network being a frame relay network and wherein said in-band signaling is in accordance with a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer 2 voice over packet protocol (see col. 7 line 10 to col. 8 line

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22 which the PBX and the data is provided in a frame; col. 1 lines 37-63 which recite voice call being switched through the PBX; col. 5 lines 39-44 and col. 6 lines 45-49 which recite the use of software on the personal computer for informing the status of the LAN connection; col. 5 line 45 to col. 6 line 44 which recite the use of in-band signaling at the modem couple to the PBX; col. 7 lines 11-50 which recite voice information being provide in a frame clearly reads on voice over frame relay; col. 5 line 45 to col. 6 line 44 which recite using a predefined sequence for querying the PBX for the telephone number of PSTN port clearly reads on the routing mechanism being responsive to a predefined dialing sequence received from the PBX-connected telephone as in claim 11). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the PBX system and network being a frame relay network; wherein said in-band signaling is in accordance with a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer 2 voice over packet protocol as taught by Holmquist et al. in the communications apparatus and method of Chang et al. The PBX system and network being a frame relay network; and wherein said in-band signaling is in accordance with a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer 2 voice over packet protocol can be implemented by

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substituting the PBX system in a frame relay network wherein said in-band signaling is in accordance with a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer 2 voice over packet protocol of Holmquist et al. for the Internet of Chang et al. The motivation for using the PBX system and network being a frame relay network; and in-band signaling as taught by Holmquist et al. in the communication apparatus of Chang et al. being that it provides the desirable added feature a private exchange for transmitting and receiving calls; and the feature of high speed access using Frame relay.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (6,700,956) and Holmquist et al. (5,602,846) in view of Brilla et al. (6,389,276).

For claim 8, Chang et al. and Holmquist et al. disclose the apparatus and method described in paragraph 3 of this office action. Chang et al. and Holmquist et al. disclose all the subject matter of the claimed invention with the exception of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs.

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Brilla et al. from the same or similar fields of endeavor teach that it is known to provide the step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs (see col. 7 lines 8-22 which recite the PBX forwarding the incoming call to the voicemail system upon detecting a busy or no answer condition). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing occurs as taught by Brilla et al. in the communications apparatus and method network of Chang et al. and Holmquist et al. The step of forwarding an incoming call directed to the remote telephone to a voice mailbox generally from a time when said transmitting occurs to a time when said removing can be implemented by connecting the voicemail system of Brilla et al. to the PBX of Chang et al. and Holmquist et al. The motivation for providing voicemail system as taught by Brilla et al. in the communication apparatus and method of Chang et al. and Holmquist et al. being that it provides the desirable added feature of storing the incoming

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voice mail when the user is busy on another line or off-hook at the receiving end.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

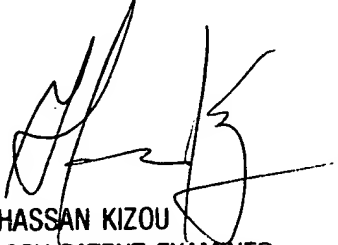
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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